



**NCTA**

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

**DANIEL L. BRENNER** SENIOR VICE PRESIDENT, LAW & REGULATORY POLICY

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3664 FAX: 202.775.3603

**EX PARTE**

January 28, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CS Docket No. 98-120, MB Docket No. 03-15

Dear Ms. Dortch:

On January 27, 2005, Jill Lockett, Senior Vice President, Program Network Policy, Michael S. Schooler, Deputy General Counsel, and I met with Jordan Goldstein, Legal Advisor to Commissioner Michael J. Copps. We discussed the growing carriage by cable operators of broadcaster's digital signals, as detailed in our *ex parte* filed January 26, 2005, in the above-referenced dockets.

We also discussed why "primary" used in the broadcast carriage statute must be read in a manner that sustains the statute's constitutionality and that this means "primary" means "one."

If you have any questions, please contact the undersigned.

Respectfully submitted,

**/s/ Daniel L. Brenner**

Daniel L. Brenner

cc: Jordan Goldstein